

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**CIVIL CONFERENCE
MINUTE ORDER**

BEFORE: A. KATHLEEN TOMLINSON
U.S. MAGISTRATE JUDGE

DATE: 10-28-2015
TIME: 2:13 p.m. (24 minutes)

Principal Life Insurance Company v. Brand
CV 15-3804 (JS) (AKT)

TYPE OF CONFERENCE: **INITIAL CONFERENCE**

APPEARANCES: Plaintiff Randi F. Knepper
Defendant Jason P. Brand, Pro Se

FTR: 2:13-2:37

SCHEDULING:

The next conference in this case will take place on February 24, 2016 at 3 p.m. in Courtroom 910.

THE FOLLOWING RULINGS WERE MADE:

1. I explained to the parties that because the defendant is proceeding pro se, we will be conducting discovery in stages. To that end, I have set the following schedule for serving and responding to document requests. Defendant is advised that his document requests must be narrowly tailored to the defenses and counterclaim that he has raised in this case. In addition, plaintiff's instructions and requests are to be written in plain English with the understanding that counsel is dealing with a pro se litigant.
 - Plaintiff's counsel will serve her document requests (and any restricted interrogatories as discussed today, solely addressing categories of damages and calculation of damages) upon the pro se defendant **by December 1, 2015**;
 - Defendant will serve his document requests (each request to be numbered separately) upon plaintiff's counsel **by December 16, 2015**;
 - Defendant will serve responses to plaintiff's document requests (and limited interrogatories if served by plaintiff) **by January 11, 2016**;
 - Plaintiff's responses to defendant's document requests are to be served **by January 26, 2016**;
 - **During the time between January 27 and February 9, 2016**, the parties are to have a meet-and-confer by telephone to discuss any objections they have to each other's discovery responses in an attempt to resolve those issues.

Whatever issues remain unresolved are to be put in writing to the Court. Plaintiff's counsel will prepare one letter for submission which includes the bullet point list of each

party and will file the letter on ECF by February 19, 2016.

I have directed the pro se defendant to identify any documents he is serving in response to the plaintiff's requests by a number placed at the lower right-hand corner of each responsive document. For example, the documents should be produced as D- 1, D- 2, D-3, etc. so that they can be properly identified later for use at a deposition or in motion practice.

The Court has also advised plaintiff's counsel that the Court does not permit notices to admit or factually substantive interrogatories to be served on pro se litigants, with the exception of interrogatories directed specifically to identifying categories and/or calculation of damages as noted above. Plaintiff's counsel can obtain the factual information he needs at defendant's deposition.

4. Because defendant is proceeding pro se, I spent some time discussing his options with regard to obtaining testimony from the potential witnesses. Briefly, defendant may (A) take a formal deposition of the witness, after giving formal notice to the proposed witness via plaintiff's counsel, with a certified court reporter present, and the expense of which plaintiff himself must pay, or (B) reserve, with the Court's permission, a meeting room here in the courthouse (or a room in another facility amenable to the deposition) and use a personal tape recorder to record the questions and answers (in these circumstances, plaintiff's counsel would be permitted to bring in her own tape-recording equipment for the same purpose); or (C) serve written questions to be answered by the witness under oath.

Defendant pro se has been advised that he must be prepared to inform the Court of which method he wishes to utilize to obtain testimony at the February 24, 2016 conference.

5. We will take up the next stage of discovery, including setting a schedule for the defendants' depositions, at the next conference on February 24, 2016.
6. Plaintiff's counsel is directed to serve a copy of this Order upon the pro se defendant forthwith and to file proof of service on ECF.

SO ORDERED

/s/ A. Kathleen Tomlinson
A. KATHLEEN TOMLINSON
U.S. Magistrate Judge